

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5198

September Term, 2023

1:18-cv-03074-CRC

Filed On: September 25, 2023

Yanping Chen,

Appellee

v.

Federal Bureau of Investigation, et al.,

Appellees

Catherine Herridge,

Appellant

BEFORE: Wilkins, Katsas, and Walker, Circuit Judges

O R D E R

Upon consideration of the emergency motion for stay pending appeal, the opposition thereto, and the reply; and the motion to dismiss for lack of jurisdiction and the opposition thereto, it is

ORDERED that the motion to dismiss be granted. Appellant can seek appellate review of the district court's order denying her motion to quash by defying that order and appealing from any contempt citation. See, e.g., Kemp v. Gay, 947 F.2d 1493, 1495 (D.C. Cir. 1991). Because her assertions of privilege "can be adequately vindicated by other means, the chance that the litigation at hand might be speeded, or a particular injustice averted, does not provide a basis for jurisdiction" under the collateral-order doctrine. Mohawk Indus., Inc. v. Carpenter, 558 U.S. 100, 106 (2009) (internal quotation marks and brackets omitted). It is

FURTHER ORDERED that the emergency motion for stay pending appeal be dismissed as moot.

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Tatiana Magruder
Deputy Clerk